

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

PAMELA TUCKER

Plaintiff

-vs-

LOYOLA UNIVERSITY OF CHICAGO,

an Illinois not-for-profit Corporation,  
Defendant

JUDGE CASTILLO

01C 1787

MAGISTRATE JUDGE DENLOW

FILED-ED  
01 MAR 14 AM 11:58  
U.S. DISTRICT COURT  
DOCKETED  
MAR 15 2001

COMPLAINT AT LAW

NOW COMES the Plaintiff, PAMELA TUCKER, by and through her attorneys, Ronald A. Orner, David A. Beck and Craig A. Moen, and complaining of Defendant, LOYOLA UNIVERSITY OF CHICAGO, an Illinois not-for-profit Corporation, and states as follows:

COUNT I – RACIAL DISCRIMINATION

NATURE OF ACTION

1. Plaintiff's, Pamela Tucker, cause of action arises under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000(e) et seq., and the Civil Rights Act of 1866, 42 U.S.C. Section 1981, which provides for redress for racial discrimination in employment.

JURISDICTION AND VENUE

2. This court has jurisdiction over plaintiff's racial discrimination action pursuant to 28 U.S.C. 1331.

3. Plaintiff has sought timely federal relief. On December 1, 2000, plaintiff, Pamela Tucker, filed a Charge of Discrimination with the Equal Employment Opportunity Commission. Plaintiff received written notice of her Right to Sue from the

Equal Employment Opportunity Commission on February 5, 2001. (A copy is attached hereto as Exhibit A.)

4. Venue lies in this district pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000(e) et seq., because plaintiff's cause of action arose in Cook County, Illinois, and defendant's principal place of business is in Cook County, Illinois.

### **PARTIES**

5. Plaintiff, PAMELA TUCKER, (hereinafter "TUCKER") is an individual who resides in Naperville, Illinois.

6. Loyola University of Chicago, (hereinafter "LOYOLA") is an educational institution with its principal place of business in Cook County, Illinois.

### **FACTS**

7. From on or about April 20, 1998, Tucker was employed by defendant, Loyola, as Director of Administrative Services.

8. At all times relevant hereto, Tucker was and is a member of the protected class, to wit: an African American.

9. Tucker had always performed her job duties in an acceptable manner consistent with Loyola's standards.

10. Tucker was racially discriminated against and treated differently than non-African American employees who were similarly situated, including but not limited to, the following:

- A) Her Caucasian supervisors failed to support her, unlike similarly situated Caucasian employees;
- B) Was replaced in her position and told she could accept a demotion or resign on October 19, 2000, whereas similarly situated Caucasian employees were not treated in

such a fashion.

11. Tucker complained about the discriminatory conduct, but Loyola was never able to or prevented its employees were not treated in such a fashion.

12. All of the above described acts violate Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1866.

13. As a direct and proximate result of Loyola's discriminatory conduct, Tucker has suffered a materially adverse employment action, loss of her job.

WHEREFORE, plaintiff, PAMELA TUCKER prays that this Court enter judgment for plaintiff for:

- a) Compensatory damages;
- b) Back pay;
- c) Front pay;
- d) Emotional pain and suffering;
- e) Punitive damages;
- f) Attorneys' fees and costs;
- g) Any other relief that this Court deems just and reasonable.

**COUNT II – AGE DISCRIMINATION**  
**IN EMPLOYMENT ACT**

1. Plaintiff's cause of action arises under the Age Discrimination in Employment Act, 29 U.S.C. Section 623 et seq., which provides for redress for deprivation of rights on account of discrimination in employment for persons who are at least forty (40) years of age.

2. From on or about April 20, 1998, Tucker was employed by defendant, Loyola, as Director of Administrative Services.

3. At all times relevant hereto, Tucker was a member of the protected class, to wit: an individual over forty (40) years of age.

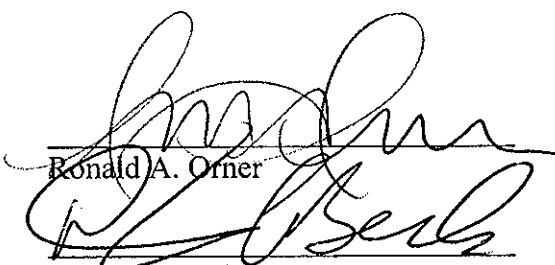
4. Tucker had always performed her job duties in an acceptable manner consistent with Loyola's standards.

5. Tucker was discriminated on the basis of her age, in that on October 19, 2000, she was asked to resign her position or accept a demotion, and she was replaced by a younger individual.

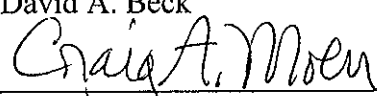
6. Loyola's removal of Tucker from her position on the basis of her age was willful, and Tucker's age was a motivating factor in the loss of her job.

WHEREFORE, plaintiff, PAMELA TUCKER, prays judgment for:

- a) Back pay;
- b) Front pay;
- c) Punitive damages;
- d) Compensatory damages;
- e) Emotional pain and suffering;
- f) Attorneys' fees and costs;
- g) Any other relief that this Court deems just and proper.

  
Ronald A. Orner

  
David A. Beck

  
Craig A. Moen

Ronald A. Orner  
David A. Beck  
Craig A. Moen  
ORNER, BECK, ZYDOWSKY,  
MOEN & SPLITT, LTD.  
200 North LaSalle Street  
Suite 1920  
Chicago, Illinois 60601  
(312) 346-2630

# EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE

(Issued on request)

45131

**To:** Pamela L. Tucker  
2339 Emerson Lane  
Naperville, IL 60540

**From:** Equal Employment Opportunity  
Commission  
500 West Madison Street  
Suite 2800  
Chicago, Illinois 60661

Certified No.: 7000 0600 0022 104 9414

☐

On behalf of a person aggrieved whose identity is  
confidential (29 C.F.R. 1601.7(a))

**Charge Number**

210A10936

**EEOC Representative**

Lynn Cousins, Investigator

**Telephone Number**

(312) 353-9194

(See the additional information attached to this form.)

**TO THE PERSON AGGRIEVED:** This is your NOTICE OF RIGHT TO SUE. It is issued at your request. If you intend to sue the respondent(s) named in you charge, YOU MUST DO SO WITHIN NINETY (90) DAYS OF YOUR RECEIPT OF THIS NOTICE: OTHERWISE YOUR RIGHT TO SUE IS LOST.

More than 180 days have expired since the filing of this charge.

       X

Less than 180 days have expired since the filing of this charge, but I have determined that the commission will be unable to complete its process within 180 days from the filing of the charge.

       X

With the issuance of this NOTICE OF RIGHT TO SUE, the Commission is terminating its process with respect to this charge.

It has been determined that the Commission will continue to investigate your charge.

       X

ADEA: While Title VII and the ADA require EEOC to issue this notice of right to sue before you can bring a lawsuit you may sue under the Age Discrimination in Employment Act (ADEA) any time 60 days after your charge was filed until 90 days after you received notice that EEOC has completed action on your charge.

       X

Because EEOC is closing your case, your lawsuit under the ADEA must be brought within 90 days of your receipt this notice. Otherwise, your right to sue is lost.

EEOC is continuing its investigation. You will be notified when we have completed action and, if our notice will include notice of right to sue under the ADEA.

EPA: While Title VII and the ADA require EEOC to issue this Notice of Right to Sue before you can bring a lawsuit you already have the right to sue under the Equal Pay Act (EPA). (You are not required to complain to any enforcement agency before bringing and EPA suit in court). EPA suits must be brought within 2 years (3 years for willful violations) of the alleged EPA underpayment.

On Behalf of the Commission

January 3, 2001  
Date

John P. Rowe  
John P. Rowe, District Director

Enclosures

Information Sheet

Copy of Charge

cc: Respondent(s)

Loyola University

"EXHIBIT A"

RECEIVED FEB 05 2001

JS 44  
(Rev. 12/96)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS****JUDGE CASTILLO**

PAMELA TUCKER

**MAGISTRATE JUDGE DENLOW****(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF**

(EXCEPT IN U.S. PLAINTIFF CASES)

**DEFENDANTS**LOYOLA UNIVERSITY OF CHICAGO, an  
Illinois not-for-profit Corporation

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**Orner, Beck, Zydowsky, Moen & Splitt,  
200 North LaSalle Street, S-1920  
Chicago, Illinois 60601  
(312) 346-2630

ATTORNEYS (IF KNOWN)

**01C 1787**DOCKET  
MAR 15 2001  
U.S. DISTRICT COURT**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only) (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |   |   |   |
|---|---|---|---|
| <b>PTF</b>                              | <b>DEF</b>  | <b>PTF</b>  | <b>DEF</b>  |
| Citizen of This State                   | <input type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT**

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Selective Service <input type="checkbox"/> 810 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice Act <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

**VI. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Plaintiff's cause of action arises under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000(e) et seq., and the Civil Rights Act of 1866, 42 U.S.C. Section 1981, which provides for redress for racial discrimination in employment.

**VII. REQUESTED IN COMPLAINT**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND:

☐ YES ☐ NO**VIII. This case**☒ is not a refiling of a previously dismissed action.☐ is a refiling of case number \_\_\_\_\_, previously dismissed by Judge \_\_\_\_\_

DATE

March 14, 2001

SIGNATURE OF ATTORNEY OF RECORD

David A. Beck

UNITED STATES DISTRICT COURT

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

**JUDGE CASTILLO**

In the Matter of

PAMELA TUCKER,                      Plaintiff  
-vs-  
LOYOLA UNIVERSITY OF CHICAGO, an  
Illinois not-for-profit Corporation,  
   Defendant

MAGISTRATE JUDGE DENLOW

Case Number:

**01C**

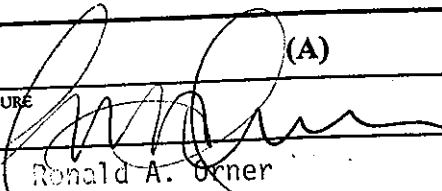
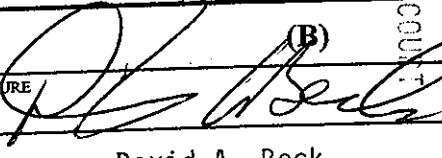
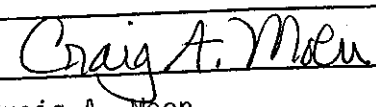
**1787**

**DOCKETED**

MAR 15 2001

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

**PAMELA TUCKER**

<p style="text-align: center;"><b>(A)</b></p> <p>SIGNATURE </p> <p>NAME <b>Ronald A. Orner</b></p> <p>FIRM <b>Orner, Beck, Zydowsky, Moen &amp; Splitt, Ltd.</b></p> <p>STREET ADDRESS <b>200 North LaSalle Street, S-1920</b></p> <p>CITY/STATE/ZIP <b>Chicago, Illinois 60601</b></p> <p>TELEPHONE NUMBER <b>(312) 346-2630</b></p> <p>IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) <b>02117622</b></p> <p>MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p>	<p style="text-align: center;"><b>(B)</b></p> <p>SIGNATURE </p> <p>NAME <b>David A. Beck</b></p> <p>FIRM <b>Orner, Beck, Zydowsky, Moen &amp; Splitt, Ltd.</b></p> <p>STREET ADDRESS <b>200 North LaSalle Street, S-1920</b></p> <p>CITY/STATE/ZIP <b>Chicago, Illinois 60601</b></p> <p>TELEPHONE NUMBER <b>(312) 346-2630</b></p> <p>IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) <b>03124013</b></p> <p>MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>DESIGNATED AS LOCAL COUNSEL? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>
<p style="text-align: center;"><b>(C)</b></p> <p>SIGNATURE </p> <p>NAME <b>Craig A. Moen</b></p> <p>FIRM <b>Orner, Beck, Zydowsky, Moen &amp; Splitt, Ltd.</b></p> <p>STREET ADDRESS <b>200 North LaSalle Street, S-1920</b></p> <p>CITY/STATE/ZIP <b>Chicago, Illinois 60601</b></p> <p>TELEPHONE NUMBER <b>(312) 346-2630</b></p> <p>IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) <b>01937545</b></p> <p>MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>DESIGNATED AS LOCAL COUNSEL? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>	<p style="text-align: center;"><b>(D)</b></p> <p>SIGNATURE</p> <p>NAME</p> <p>FIRM</p> <p>STREET ADDRESS</p> <p>CITY/STATE/ZIP</p> <p>TELEPHONE NUMBER</p> <p>IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)</p> <p>MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/></p>